IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35507 of 2007(B)

OS.146/2007 of MUNSIFF COURT, OTTAPPALAM
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PETITIONER:

M/S. C.A. INDUSTRIES,
A PARTNERSHIP FIRM, REP. BY ITS MANAGING PARTNER,
ANNAMMA ABRAHAM, AGED 76, W/O. C.A. ABRAHAM,
INDUSTRIAL ESTATE, SHORNUR, OTTAPALAM TALUK.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

KHALIFULLA,
PROPRIETOR, ANBU STORES, 87/1, SUB JAIL ROAD,
THIRUCHIRAPPALLY, PIN-620 008, TAMIL NADU.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N. KRISHNAN, J.

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W.P.C. NO. 35507 OF 2007

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Dated this the 3rd day of December, 2007.

J U D G M E N T

This writ petition is preferred against the order of the Munsiff, Ottapalam in I.A. 2042/07 in O.S.146/07. It is an application to review the order passed by the Court in I.A.1668/07. By the said order the learned Munsiff directed the plaintiff to be present in person in connection with the application filed for substituted services under Order 5 Rule 20 of the CPC. I have gone through the order and the learned Munsiff apprehends some foul play because the subject matter of the suit itself is strange. The contention in the case is that on the issuance of some bogus bills the plaintiff is called upon to pay sales tax and it is for the realisation of that amount the suit is instituted. Unfortunately, in spite of attempting to serve summons it has not ended successfully and the Court felt that the presence of the party is necessary. I am informed by the learned counsel for the writ petitioner that the plaintiff is

about 81 years old and she is unable to attend the Court in person and the Manager is looking after the affairs of the Company. If the Court wants to ascertain particulars I think it can successfully be done by putting questions to the Manager and directing him to be present. Therefore, I modify the order of the Court below and direct the manager to be present before Court on the date appointed and give details which the Court is in need of and I think the solution to the matter is by directing the bills to be produced so that it will give a clear address of the defendant.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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